

Summary of Changes Made to CJA Plan

[illegible]

Pg. 2	Pg. 6	<ul style="list-style-type: none"> (ix) Sections k, l from the old plan are combined (x) Same as section "i" (xi) Refers to section "j" with changes made in wording regarding prisoner transfers
Pg. 3	Pg. 6	<ul style="list-style-type: none"> 2. The word "discretionary" is eliminated. <ul style="list-style-type: none"> (i) no changes to wording. The words "sentence to confinement is authorized" is no longer in bold and underlined. (ii) Additional information added: (but see paragraph 2.01 A(1)(x) regarding the <u>mandatory</u> appointment of counsel regarding the requirement for appointment of counsel for an evidentiary hearing). 3. Additional section added... "Other cases or proceedings which may be covered or compensable under the Act include, but are not limited to the following (see also paragraph 2.22 B(2)). <ul style="list-style-type: none"> (i) Section IV(A)(2)(c) in the previous plan (ii) Section IV(A)(2)(d) in the previous plan with change to initial wording to read "Upon application of a witness..." No other changes made.
Pg. 3	Pg. 6	<ul style="list-style-type: none"> 4. Additional section added. "Counsel may be appointed for financially eligible persons proposed by the US Attorney for processing under a "pretrial diversion" program.
Pg. 3	Pg. 6	<ul style="list-style-type: none"> <ul style="list-style-type: none"> Section IV(A)(2)(e) (i) Found in section IV(A)(2)(f) of the previous plan <p>Pages 7 & 8 contain new information concerning the determination of representation in an ancillary matter with a list of objectives included.</p> <p>Representation in an ancillary matter related to compensation is also discussed.</p> <p>Page 8 includes a section titled "Criminal Justice Act Forms" stating every district</p>

		incorporate in its plan a requirement for standardized forms.
Pg. 4	Pg. 8	<p>A. Eligibility for Representation Found in IV (D)(1, 2) of the previous plan The subsections titled "Factfinding" and "Disclosure of Change in Eligibility" are eliminated. Includes statement concerning representation by counsel and the function of the federal judge or magistrate. A second paragraph states who may be designated by the court to obtain/verify facts to determine eligibility, the form to complete, as well as those who are not eligible to complete the CJA form.</p>
Pg. 3	Pg. 8	<p>B. When Counsel Shall be Provided No change</p>
Pg. 3	Pg 8	<p>C. Number and qualification of Counsel</p> <ol style="list-style-type: none"> 1. Number No change. Subsections a, b are eliminated 2. Qualifications <ol style="list-style-type: none"> a. Appointment of Counsel Prior to Judgment Second paragraph "Pursuant to 18..... changes to the "court shall consider the recommendation of the Federal Public Defender, and eliminates the remainder of the sentence. b. no change c. Eliminated as subsection "c" but no change in wording
Pg. 4	Pg. 9	
Pg. 5	Pg. 10	<p>V. Private Attorneys Previously Section VI in the model plan</p> <ol style="list-style-type: none"> A. Establishment of CJA Panel "...is hereby recognized" added to wording. B. Organization No change C. Ratio of Appointments Eliminated in new plan <p>Additional section titled "Management of CJA Panel included to state responsibility for distribution of cases and management of CJA Panel with references to</p>

		Appendix I.
Pg. 6	Pg. 10	VI. Representation in State Death Penalty Habeas Corpus Proceedings Under 28 U.S.C.S. 2254. Found in Section VII in previous & model plan
Pg. 6	Pg. 10 Pg. 11	VII. Duties of Appointed Counsel Section VIII in model plan and previous plan A. Standards – no changes B. Professional Conduct – no changes C. No Receipt of Other Payment – no changes D. Continuing Representation Added following paragraph following ...certiorari “(as governed by the circuit CJA plan provisions concerning representation on appeals)”
Pg. 6 Pg. 7	Pg. 11	VIII. Duties of Law Enforcement and Related Agencies (Section IX in previous and model plan) A. Presentation of Accused for Appointment of Counsel No changes B. Notice of Indictment or Criminal Information No changes from previous plan
Pg. 7	Pg. 11	IX. Miscellaneous (Section X previously) A. Forms – no change B. Claims – no change C. Supersession – Changed to “This Plan supersedes all prior Criminal Justice Act Plans of this court.”
Pg. 7	Pg. 12	X. Effective Date Changed to: “This Plan shall become effective when approved by the Judicial Council of the Circuit.” Appendix I – no change Appendix 2 - eliminated

